

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
JUL 12 2018
Clerk, U.S. Courts
District Of Montana
Missoula Division

RANDY BRYANT WICK,

Plaintiff,

vs.

MISSOULA COUNTY, et al.,

Defendants.

CV 17-147-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendations in this case on June 4, 2018, recommending that Defendants Missoula County, Sheriff McDermott, the State of Montana, and Mark Kittleson should be dismissed. (Doc. 10 at 5.) Plaintiff Randy Bryant Wick (“Wick”) timely filed an objection on June 11, 2018. (Doc. 11.) Consequently, Wick is entitled to de novo review of those findings and recommendations to which he has specifically objected. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235

F.3d 422, 427 (9th Cir. 2000) (citations omitted). “A party makes a proper objection by identifying the parts of the magistrate’s disposition that the party finds objectionable and presenting legal argument and supporting authority, such that the district court is able to identify the issues and the reasons supporting a contrary result.” *Montana Shooting Sports Ass ’n v. Holder*, 2010 WL 4102940, at *2 (D. Mont. Oct. 18, 2010) (citation omitted).

Judge Lynch concluded, and this Court agrees, that Wick failed to either name or make specific allegations against the Defendants recommended for dismissal. (Doc. 10 at 2.) Wick’s objection is improper because it fails to present legal argument and supporting authority. Wick having failed to properly object to any of Judge Lynch’s Findings and Recommendations, this Court reviews the record for clear error. L.R. 72.3(a); *see also McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Finding none,

IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 10) are ADOPTED IN FULL. Missoula County, Sheriff McDermott, the State of Montana, and Mark Kittleson are hereby DISMISSED.

DATED this 12th day of July, 2018.


Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court